

Exhibit 1

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE PEABODY ENERGY CORP.
SECURITIES LITIGATION

Case No. 1:20-cv-08024-PKC

**DECLARATION OF BRIAN DE HAAN IN SUPPORT OF
MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND
APPLICATION FOR ATTORNEYS' FEES AND EXPENSES**

I, Brian de Haan, declare as follows, pursuant to 28 U.S.C. §1746:

1. I am Senior Assistant Attorney General in the Oregon Department of Justice. I am fully authorized to enter into and execute this Declaration on behalf of the Oregon Public Employees Retirement Fund (“Oregon PERF”). Oregon PERF is the Court-appointed Lead Plaintiff in the above-captioned proposed securities class action (the “Action”).¹

2. I respectfully submit this declaration in support of final approval of the proposed settlement of the Action for \$4.625 million, approval of the proposed Plan of Allocation for distributing the proceeds of the Settlement, and approval of Lead Counsel’s request for attorneys’ fees and expenses. I also respectfully submit this declaration in support of Oregon PERF’s request for an award, pursuant to the Private Securities Litigation Reform Act of 1995 (“PSLRA”), 15 U.S.C. § 78u-4(a)(4), in recognition of the time that I, and others associated with Oregon PERF, dedicated to the litigation on behalf of the proposed Settlement Class. I have personal knowledge of the statements herein and, if called as a witness, could competently testify about them.

3. On September 28, 2020, an initial complaint was filed in this Action. On January 12, 2021, the Court appointed Oregon PERF as Lead Plaintiff pursuant to the PSLRA. Oregon PERF filed the Consolidated Amended Class Action Complaint on March 19, 2021. Since that time, my colleagues and I have monitored the progress of this litigation and have regularly conferred with counsel concerning its prosecution and developments. In that regard, we regularly reviewed significant filings with the Court, communicated with counsel regarding litigation developments, responded to discovery requests, searched for and produced documents to Defendants, prepared for and appeared at one of two scheduled depositions of Oregon PERF, liaised with our investment adviser Dimensional Fund Advisors regarding their receipt of a

¹ Unless otherwise indicated, capitalized terms have those meanings contained in the Stipulation and Agreement of Settlement, dated as of October 7, 2022.

document subpoena from Defendants, discussed the potential for settlement with counsel, and received updates from counsel during the mediation session on July 29, 2022.

4. Oregon PERF believes that the Settlement represents a fair, reasonable, and adequate result for the Settlement Class. Oregon PERF has weighed the benefits to the Settlement Class against the significant risks and uncertainties of continued litigation. After doing so, Oregon PERF believes that the Settlement represents a favorable recovery, and believes that final approval of the Settlement is in the best interests of the Settlement Class.

5. Oregon PERF also believes that Lead Counsel's request for an award of attorneys' fees in the amount of 25% of the Settlement Fund is fair and reasonable under the circumstances of this case. Oregon PERF has evaluated Lead Counsel's request in light of the effort required by Lead Counsel to pursue the case to date, the risks and challenges in the litigation, as well as the recovery obtained for the Settlement Class. Oregon PERF understands that Lead Counsel will also devote additional time in the future to administering the Settlement. Oregon PERF further believes that the litigation expenses to be requested, of no more than \$250,000, are reasonable and represent the costs and expenses that were necessary for the successful prosecution and resolution of this case. Based on the foregoing, Oregon PERF fully supports Lead Counsel's motion for attorneys' fees and payment of litigation expenses.


6. Oregon PERF understands that reimbursement of a plaintiff's costs and expenses in connection with the representation of a class, including lost wages, is authorized under the PSLRA, 15 U.S.C. § 78u-4(a)(4). For this reason, in connection with Lead Counsel's request for litigation expenses, Oregon PERF is seeking reimbursement for the time dedicated to the prosecution of the Action, which was time that ordinarily would have been dedicated to the work of Oregon PERF.

7. As discussed above, in my capacity as Senior Assistant Attorney General at the Oregon Department of Justice on behalf of Oregon PERF, I oversaw the prosecution of the Action, including gathering and producing documents, responding to discovery, and participating in the mediation. For this work, Oregon PERF was billed \$9,197.60 for 39.80 hours of my work.

8. Accordingly, Oregon PERF seeks a total of \$9,197.60 for the 39.80 hours it dedicated to representing the Settlement Class throughout the litigation.

9. In conclusion, Oregon PERF was closely involved throughout the prosecution and settlement of the claims in the Action and strongly endorses the Settlement as fair, reasonable, and adequate, and believes it represents a very favorable recovery for the Settlement Class. Oregon PERF further supports Lead Counsel's attorneys' fee and expense request, in light of the work performed, the recovery obtained for the Settlement Class, and the attendant litigation risks.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 3rd day of January 2023.

 Brian de Haan / with permission

Brian de Haan, Esq.
Senior Assistant Attorney General
Oregon Department of Justice
Oregon Public Employees Retirement System